S.B.Civil Second Appeal No.403/2007

Shahida Bano.

vs.

Dinesh Kumar.

Date : 2.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.YR Sonel, for the appellant.

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Heard learned counsel for the appellant.

The appellant/plaintiff is aggrieved because of the reason that the first appellate court vide judgment and decree dated 17.7.2007 dismissed the cross objection submitted by the appellant against the judgment and decree of the trial court dated 19.5.2006.

In the trial court, the appellant/plaintiff/ landlord came with the case that the rent of the suit premises was Rs.600/- per month. The trial court declared the rent of the suit premises as Rs.300/- per month from 1.3.1998.

The defendant/respondent preferred appeal to

challenge the judgment and decree of the trial court and the appellant submitted cross objection. The first appellate court observed that the defendant's stand throughout was that the rent of the premises was Rs.50/-. He even in the reply to the notice of the plaintiff clearly stated the rent of the premises to be Rs.50/-. Thereafter, he deposited the rent in the court under Section 19A of the Rajasthan Premises (Control of Rent and Eviction) Act, 1950 at the rate of Rs.50/-. To rebut this evidence, the plaintiff/appellant could not produce any evidence to prove the rent to be Rs.600/- per month.

In view of the above, if the first appellate court held that the trial court committed error in holding the rent to be Rs.300/- per month, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya